

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Cañones Creek

Subfile No. CHCC-003-0008

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed September 3, 2004 (Doc. No. 7579) in connection with defendants Clorinda L. Nuñez and Ramon R. Nuñez and Subfile CHCC-003-0008, and as grounds therefore Plaintiff states as follows:

1. After defendants Clorinda L. Nuñez and Ramon R. Nuñez (“Defendants”) signed and approved the Consent Order filed September 3, 2004 in Subfile CHCV-003-0024, the State made minor revisions to the boundaries of Defendants’ irrigated property based on a plat of survey provided to the State. Defendants approved of these revisions, and signed and approved a revised Consent Order that was filed with the Court on August 12, 2005 (Doc. No. 7994).

2. The Consent Order filed September 3, 2004 should be vacated.

3. Defendants do not oppose the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed September 3, 2004 (Doc. No. 7579) in connection with Subfile CHCC-003-0008.

Respectfully submitted,

/electronic signature/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on November 28, 2005.

/electronic signature/
Edward G. Newville

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